

# HOUSE BILL 1417

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By: **Delegate Krimm**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Dialysis Patient Transportation Fund and Task Force to Study the Dialysis**  
3 **Patient Transportation Fund**

4 FOR the purpose of establishing the Dialysis Patient Transportation Fund as a special,  
5 nonlapsing fund; specifying the purpose of the Fund; requiring the Secretary of  
6 Transportation to administer the Fund; requiring the State Treasurer to hold the  
7 Fund and the Comptroller to account for the Fund; specifying the contents of the  
8 Fund; specifying the purpose for which the Fund may be used; providing for the  
9 investment of money in and expenditures from the Fund; providing that the Fund is  
10 subject to a certain audit; providing that no part of the Fund may revert or be  
11 credited to certain funds; requiring certain kidney dialysis centers to pay to the  
12 Department of Transportation a certain fee for certain transports; requiring interest  
13 earnings of the Fund to be credited to the Fund; exempting the Fund from a certain  
14 provision of law requiring interest earnings on State money to accrue to the General  
15 Fund of the State; establishing the Task Force to Study the Dialysis Patient  
16 Transportation Fund; providing for the composition, chair, and staff of the Task  
17 Force; prohibiting a member of the Task Force from receiving certain compensation,  
18 but authorizing the reimbursement of certain expenses; requiring the Task Force to  
19 study and make recommendations regarding certain matters; requiring the Task  
20 Force to report its findings and recommendations to the Governor and the General  
21 Assembly on or before a certain date; providing for the effective dates of this Act;  
22 providing for the termination of certain provisions of this Act; and generally relating  
23 to the Dialysis Patient Transportation Fund and the Task Force to Study the Dialysis  
24 Patient Transportation Fund.

25 BY adding to

26 Article – Health – General  
27 Section 13–310.2  
28 Annotated Code of Maryland  
29 (2019 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – State Finance and Procurement  
3 Section 6–226(a)(2)(i)  
4 Annotated Code of Maryland  
5 (2015 Replacement Volume and 2019 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – State Finance and Procurement  
8 Section 6–226(a)(2)(ii)121. and 122.  
9 Annotated Code of Maryland  
10 (2015 Replacement Volume and 2019 Supplement)

11 BY adding to  
12 Article – State Finance and Procurement  
13 Section 6–226(a)(2)(ii)123.  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2019 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **13–310.2.**

20 (A) IN THIS SECTION, “FUND” MEANS THE DIALYSIS PATIENT  
21 TRANSPORTATION FUND.

22 (B) (1) THERE IS A DIALYSIS PATIENT TRANSPORTATION FUND.

23 (2) THE FUND SHALL BE USED BY THE DEPARTMENT OF  
24 TRANSPORTATION TO FULLY OR PARTIALLY OFFSET THE DIRECT COSTS COUNTIES  
25 INCUR TO PROVIDE TRANSPORTATION FOR DIALYSIS PATIENTS TO AND FROM  
26 DIALYSIS TREATMENTS.

27 (3) THE SECRETARY OF TRANSPORTATION SHALL ADMINISTER THE  
28 FUND.

29 (4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
30 SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

31 (II) THE STATE TREASURER SHALL HOLD THE FUND  
32 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

33 (5) THE FUND CONSISTS OF:

1                   **(I) REVENUE DISTRIBUTED TO THE FUND UNDER SUBSECTION**  
2 **(C) OF THIS SECTION;**

3                   **(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**  
4 **FUND;**

5                   **(III) INTEREST EARNINGS; AND**

6                   **(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**  
7 **FOR THE BENEFIT OF THE FUND.**

8                   **(6) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
9 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

10                   **(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE**  
11 **CREDITED TO THE FUND.**

12                   **(7) THE FUND MAY BE USED ONLY TO OFFSET THE DIRECT COSTS**  
13 **COUNTIES INCUR TO PROVIDE TRANSPORTATION FOR DIALYSIS PATIENTS TO AND**  
14 **FROM DIALYSIS TREATMENTS.**

15                   **(8) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE**  
16 **AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.**

17                   **(9) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:**

18                   **(I) THE GENERAL FUND OF THE STATE; OR**

19                   **(II) ANY OTHER SPECIAL FUND OF THE STATE.**

20                   **(10) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**  
21 **ACCORDANCE WITH THE STATE BUDGET.**

22                   **(C) (1) THIS SUBSECTION DOES NOT APPLY TO:**

23                   **(I) STATE-OWNED FACILITIES; OR**

24                   **(II) FACILITIES UNDER THE JURISDICTION OF THE HEALTH**  
25 **SERVICES COST REVIEW COMMISSION.**

26                   **(2) EACH KIDNEY DIALYSIS CENTER CERTIFIED BY THE**  
27 **DEPARTMENT UNDER § 13-310 OF THIS SUBTITLE SHALL PAY TO THE SECRETARY**

1 OF TRANSPORTATION A FEE OF \$20 FOR EACH TRANSPORT OF A PATIENT OF THE  
 2 KIDNEY DIALYSIS CENTER PROVIDED BY A LOCAL DEPARTMENT OF  
 3 TRANSPORTATION TO OR FROM THE KIDNEY DIALYSIS CENTER FOR A DIALYSIS  
 4 TREATMENT.

5 (3) THE FEES PAID UNDER PARAGRAPH (2) OF THIS SUBSECTION  
 6 SHALL BE DISTRIBUTED TO THE FUND.

7 **Article – State Finance and Procurement**

8 6–226.

9 (a) (2) (i) Notwithstanding any other provision of law, and unless  
 10 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
 11 terms of a gift or settlement agreement, net interest on all State money allocated by the  
 12 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
 13 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
 14 Fund of the State.

15 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
 16 to the following funds:

17 121. the Markell Hendricks Youth Crime Prevention and  
 18 Diversion Parole Fund; [and]

19 122. the Federal Government Shutdown Employee Assistance  
 20 Loan Fund; AND

21 **123. THE DIALYSIS PATIENT TRANSPORTATION FUND.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That:

23 (a) There is a Task Force to Study the Dialysis Patient Transportation Fund.

24 (b) The Task Force consists of the following members:

25 (1) one member of the Senate of Maryland, appointed by the President of  
 26 the Senate;

27 (2) one member of the House of Delegates, appointed by the Speaker of the  
 28 House;

29 (3) the Secretary of Health, or the Secretary's designee;

30 (4) the Secretary of Transportation, or the Secretary's designee;

1           (5) the Administrator of the Maryland Transit Administration, or the  
2 Administrator's designee; and

3           (6) the following members, appointed by the Secretary of Health:

4           (i) one representative of the Maryland Association of Counties; and

5           (ii) one representative of the Maryland Commission on Kidney  
6 Disease.

7           (c) The Secretary of Health shall designate the chair of the Task Force.

8           (d) The Maryland Department of Health shall provide staff for the Task Force.

9           (e) A member of the Task Force:

10           (1) may not receive compensation as a member of the Task Force; but

11           (2) is entitled to reimbursement for expenses under the Standard State  
12 Travel Regulations, as provided in the State budget.

13           (f) The Task Force shall:

14           (1) study the impact of the Dialysis Patient Transportation Fund on:

15           (i) patient access to dialysis treatment; and

16           (ii) offsetting, fully or partially, the direct costs counties incur to  
17 transport dialysis patients to and from kidney dialysis centers for dialysis treatments; and

18           (2) make recommendations regarding:

19           (i) the amount of the fee imposed on a certified kidney dialysis  
20 center under § 13-310.2 of the Health – General Article, as enacted by Section 1 of this Act;

21           (ii) determining the effect of the fee imposed on certified kidney  
22 dialysis centers; and

23           (iii) the amount each certified kidney dialysis center will contribute  
24 to the Fund if the fee is altered to adequately offset the direct costs counties are incurring  
25 to transport dialysis patients to and from kidney dialysis centers for dialysis treatments.

26           (g) On or before November 1, 2021, the Task Force shall report its findings and  
27 recommendations to the Governor and, in accordance with § 2-1257 of the State  
28 Government Article, the General Assembly.

29           SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take

1 effect October 1, 2020. It shall remain effective for a period of 2 years and, at the end of  
2 September 30, 2022, Section 2 of this Act, with no further action required by the General  
3 Assembly, shall be abrogated and of no further force and effect.

4 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
5 3 of this Act, this Act shall take effect July 1, 2020.